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COMMITTEE ON THE RIGHTS OF THE CHILD

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SUMMARY RECORD OF THE 387th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 29 May 1997, at 3 p.m.

Chairperson: Miss MASON

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6) (continued)

Initial report of Algeria [(CRC/C/28/Add.4; CRC/C/Q/ALG.1 (list of issues); written replies by the Algerian Government, document without a symbol distributed in French only)]

1. At the invitation of the Chairperson, Mr. Dembri, Mr. Hassaïne, Mrs. Hemici, Mrs. Chaieb and Mrs. Djidel (Algeria) took places at the Committee table.

2. The CHAIRPERSON welcomed the Algerian delegation. On behalf of the Committee, she thanked the Algerian Government for its initial report (CRC/C/28/Add.4) and written replies to the questions on the list of issues to be taken up in connection with the consideration of the report (CRC/C/Q/ALG.1).

3. Mr. DEMBRI (Algeria) said that Algeria's accession to the Convention on the Rights of the Child had been an appropriate and logical step, for its social welfare programme following independence had been aimed at providing special care for the most vulnerable categories of the population, those who had suffered the most from the colonial era and the war, namely the children. Despite limited resources, the Algerian authorities, relying on national solidarity and traditional moral and religious values, had begun in 1963 to focus their efforts on protecting children and making them the architects of a future of unity and prosperity. In ratifying the Convention the Algerian Government had also confirmed the Algerian people's commitment to the family in general and children in particular, as already reflected in Algerian legislation and policy. Article 53 of the Constitution, for example, guaranteed the principle of compulsory primary education free of charge. Algeria also guaranteed equal access to vocational training for children who were not able to go on to secondary school on completing primary school. Article 54 of the Constitution provided all citizens with the right to protection of health, while article 59 set forth an obligation for the State to guarantee subsistence for disabled people unable to work. Those constitutional principles formed the basis for Algerian strategy to promote and protect the rights of the child, which was implemented and monitored by institutions at the highest level in the country. The Ministry for National Solidarity and the Family reported directly to the Head of State, and the National Committee for the Protection and Promotion of the Family worked at the community level. Other ministerial departments were directly involved, such as those which dealt with health, education, labour, social welfare, vocational training, youth and sports, justice and local communities. Those government agencies operated under the national plan of action for implementing the World Declaration on the Survival, Protection and Development of Children, prepared in cooperation with UNICEF. The National Human Rights Monitoring Centre which was an independent agency, and numerous associations and foundations, supported the authorities' work, helped monitor and evaluate it and conducted activities of their own. The Centre to Monitor the Rights of the Mother and Child had recently been established.

4. The difficult situation inherited when independence had been achieved in 1962 and the large number of young people in Algeria had made the authorities' task all the harder. One-third of the Algerian population was under 16 years of age and 40 per cent under 18 years of age. The protection of children had therefore been a huge task, which had been carried out in conjunction with activities aimed at bringing Algeria out of its underdevelopment. In 30 years the mortality rate among children under five years of age had been lowered from 243 to 65 deaths per 1,000 live births. The percentage of children vaccinated varied between 92 and 65 per cent, and the primary school enrolment rate was 95 per cent for boys and 86 per cent for girls, whereas those rates had been negligible at independence.

5. Algeria played its full part in international forums concerned with the promotion and protection of the rights of the child. It defended positions on the basis of universal moral principles, notably in combating the involvement of children in armed conflicts, child prostitution and child pornography. It also fully supported the work of agencies such as UNESCO, WHO, UNICEF and UNFPA, for it was convinced that international cooperation had an important role to play in promoting the rights of the child.

6. Mr. FULCI noted that there was no comprehensive mechanism for supervising and coordinating activities for promoting the rights of children in Algeria: he asked to what extent that could be done by the National Committee for the Protection and Promotion of the Family and whether there were plans to establish a committee specifically dealing with children. In his understanding, the 1996 Constitution stipulated that the provisions of international instruments ratified by Algeria were automatically recognized and applied by the courts. He would therefore like to know whether that provision of the Constitution was in fact applied in cases of conflict between domestic law and the Convention. Lastly, he asked whether the 1992 anti-terrorism laws had altered the guarantees provided in the legislation for the exercise of children's fundamental rights.

7. Mrs. OUEDRAOGO, referring to the Algerian Government's reply to question 11 in the List of Issues, observed that no mention was made of publicizing the Convention in the schools. She would therefore like to know how children were given access to the Convention and to what extent they participated in implementing it. With regard to question 12, she asked whether there were plans to translate the text of the Convention into the Berber language and how the Convention was perceived in Algerian families. She would also suggest that, for efficiency's sake, the numerous laws relating to the protection of children should be regrouped into a single text. Lastly, she expressed the hope that the Algerian Government would withdraw the statements it had made on ratifying the Convention.

8. Mr. KOLOSOV said he agreed that the Algerian Government should withdraw its statements about the Convention. There was an apparent contradiction between the fact that the Algerian Constitution established civil rights and freedoms for all Algerian citizens and the fact that the Civil Code set the age of civil majority at 19, and he asked for clarification of that point. Given that many Algerian families worked and lived abroad, he encouraged Algeria to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

9. Mrs. SARDENBERG, referring to the replies to question 4 in the List of Issues, asked how the national plan of action for implementing the World Declaration on the Survival, Protection and Development of Children was applied at the local level and how the various children's welfare projects and policies were coordinated. She also requested additional information on the activities of the National Human Rights Monitoring Centre and asked whether Algeria was cooperating with organizations other than those mentioned in the reply to question 14 to foster the implementation of the Convention. Did the authorities cooperate closely with the non-governmental organizations in that area?

10. Mr. RABAH asked what were the practical factors impeding the implementation of the Convention. In particular, what was the situation regarding adoption and abortion in a country where the majority of the population was committed to religious values? He also noted that the anti-terrorism laws had lowered the minimum age of criminal responsibility from 18 to 16. Was that measure not in contradiction with the fact that Algeria had entered no reservations to the Convention?

The meeting was suspended at 3.40 and resumed at 4.05 p.m.

11. The CHAIRPERSON invited the members of the Algerian delegation to reply to the Committee members' questions.

12. Mr. DEMBRI (Algeria) said that in many respects Algerian legislation on children was not at variance with legislation in force in the countries that were most advanced in such matters. The Convention's entry into force for Algeria had made it necessary to organize a system for implementing it. Thus the Ministry for National Solidarity and the Family had authority over all those responsible for children's welfare and was in charge of coordination, which was an immense task, if not always very visible.

13. One way in which information on children's rights was disseminated consisted of special television and radio programmes and columns in the press, and arrangements were made for children to participate in the schools, through class councils and the boards of governors of high schools, technical schools and other educational establishments. One project currently under way consisted of bringing together all the legislation on children into a single children's code to be added to the Civil Code and the Code of Personal Law.

14. Algeria's statements concerning interpretation of the Convention dealt with only three issues which Algeria considered to be crucial, namely the principles which stipulated that children should be raised in their father's religion, children should be raised according to standards appropriate to Algerian society and freedom of information should not extend to publications and messages which perverted the child's image. On another matter, the principles of the Koran, which were considered to be principles of positive law in Algeria, made no provision for adoption, but Algeria as a secular State had attempted to come to terms with that provision of positive law in order that children without families, who had been abandoned or born in hospital

without being named by the mother, could be cared for, and even have the possibility of taking the caregiver's name - which was new in comparison with other Muslim countries. Children taken into tutelage (kafala) could also inherit.

15. Algeria was committed to the right to life, and its legislation banned abortion. Therapeutic abortions could nevertheless be performed, in particular in cases of rape, with prior approval by the appropriate commissions, which based their decisions on medical, social and psychological criteria. A community movement had done excellent work in the field protecting mothers and children in difficulty; one was the Association of Voluntary Foster Families, which took in children without families or born out of wedlock. Algeria also had human rights societies, including three human rights leagues with slightly different approaches, some primarily interested in civil and political rights and others in social and cultural rights. The National Human Rights Monitoring Centre, an independent body, submitted an annual report and did much to publicize the rights of children. The recently-established Centre to Monitor the Rights of the Mother and Child showed how deeply Algeria was committed to participation; dissemination and monitoring of the authorities' work.

16. The November 1996 Constitution had opened the way for institutionalizing the Berber language, but linguistic problems persisted, for there were several Berber dialects and efforts were currently focusing on establishing a common form of the language into which all of the texts available in Arabic and French would be translated. The Universal Declaration of Human Rights was the first text to have been translated into the Berber language, in January 1997.

17. Mrs. HEMICI (Algeria) said that amended article 249 of the anti-terrorism law stipulated that the criminal courts were competent to try minors aged 16 and over for crimes of subversion or terrorism, which meant that the amendment had not affected the age of criminal majority in general, which remained at 18. Minors covered by the amended article, however, would continue to be covered by article 50 of the Penal Code, which provided that when minors between 13 and 18 years of age were convicted of a criminal offence, the penalties handed down would be lighter than for an adult. In particular, the death penalty or life imprisonment would be replaced by a 10-20 year prison sentence.

18. As for the suggestion of a conflict between the provisions of the Constitution and the Civil Code, and the gap between children's and adults' rights, although it was true that some rights could only be exercised on attaining majority, others were recognized as specifically relating to children, in particular the right to education, health care, a name, a nationality and protection in case of moral danger. In addition, article 132 of the Constitution provided that international instruments ratified by the State could be directly invoked in the national courts and that their provisions took precedence over those of the national legislation.

19. Mrs. DJIDEL (Algeria), referring to the Convention's follow-up mechanisms, said that the decentralization of the social welfare programmes had led, in 1996, to the establishment of social welfare offices entrusted with very important tasks, notably to protect persons in difficulty, disabled

children, children without families and young people in conflict with society. Programmes were implemented in specialized establishments, and in order to target the disadvantaged population groups more effectively and provide the authorities with the information needed to set up appropriate programmes, a social welfare office had been established in every Commune; in 1993 a decision had been taken to assign every Commune a social worker, the social commissioner, who was trained for that purpose.

20. Community organizations in Algeria had been rapidly expanding for the last 10 years, especially where the protection of the interests of children was concerned. There were currently 100 or so national associations and about a thousand local associations working in that area. The State provided such associations with support by subsidizing programmes aimed at the social integration of children in general, helping in the training of staff, making premises available and encouraging the associations to participate in projects with foreign countries.

21. Mrs. CHAIEB (Algeria) said that several ministries in Algeria worked on children's issues; their activities were coordinated under national and regional programmes. The health services monitored pregnancies to prevent disease and complications. Approximately 80 per cent of births took place with medical assistance, which made it possible to reduce maternal and infant mortality and to monitor the child's progress.

22. Efforts focused on the prevention of certain diseases, especially diarrhoeal and respiratory diseases and rheumatic fever. To that end the health services cooperated closely with the national education sector, and the national school health programme had set up units for the detection and follow-up of diseases which children were likely to catch. Those units, which had been set up in each of the 48 departments, were already operational and arranged for children to undergo medical check-ups on entering the school system. Two and perhaps more check-ups per year were being planned at a later stage, when the entire system was in place. A programme to combat malnutrition was also being carried out, as were other children's and adults' health programmes, aimed at combating various communicable diseases. National programmes in that area were being revitalized, and efforts currently focused on the drinking water supply, in order to reduce the water-borne diseases that were fatal to very young children. The health sector was cooperating closely with the community organizations, which were very active in the field. There were currently 10 or so patients' associations such as the Diabetics' Association and the Association of Cancer Patients, which provided a valuable contribution in identifying an entire population group of patients and implementing the various national health programmes in the field.

23. Mrs. MOKHUANE asked what effect Algeria's currently unfavourable economic situation was having on the situation of young people. She would also appreciate information and, if available, statistics on the extent of the AIDS epidemic and prostitution in the country.

24. Mrs. SARDENBERG said that the report focused somewhat too heavily on the legislative steps taken to give effect to the Convention and did not contain sufficient information on the actual situation of children in Algeria. She would also like to know how the Algerian authorities assessed their

information and data-collection system. Lastly, she asked what training was given to personnel potentially in contact with children, in the social services, police force and judicial services.

25. Mr. RABAH asked whether children were adequately covered by social security in Algeria, and in particular whether there was any discrimination between urban and rural children. He would also like to know what treatment was given to orphans and to children with no means of support.

26. Mr. FULCI asked the Algerian delegation for its reaction to the information in paragraph 298 of the 1995 report of the Committee on Economic, Social and Cultural Rights (E/C.12/1995/18), to the effect that there was a high mortality rate among young girls in the 1-10 age group, which the Government acknowledged was due to the fact that better care was provided for boys.

27. Mr. KOLOSOV said that he was not clear about the reasons on which Algeria had based its statements on interpretation of the Convention. Article 14 granted parents the right to provide direction to the child in the exercise of his or her right to freedom of thought, conscience and religion. That provision, therefore, was not at variance with the Algerian Family Code, which stipulated that children should be raised according to the religion of their father. Article 16 of the Convention prohibited arbitrary or unlawful interference with the child's privacy. Consequently, it was clear that lawful interference with the child's privacy, namely interference permitted by law, was authorized. Similarly, under article 17 (a) of the Convention States parties were to encourage the mass media to disseminate information and material of social and cultural benefit to the child and were called on to protect the child from information and material injurious to his or her well-being. Those provisions fully met the concerns expressed in Algeria's interpretative statement on articles 13, 16 and 17 of the Convention.

28. He also asked why Algeria had not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It might seem natural for a country of immigration to be unwilling to ratify the Convention, which might impose financial obligations on it that it would be unable to afford. Algeria, however, which was more a country of emigration, would have every interest in the Convention being adopted and ratified by as many States as possible. Lastly, he noted that the age of civil majority was set at 19, but that the law provided for an entire series of exceptions to that rule. In his view there was a problem in that area, and he would appreciate clarifications from the Algerian delegation.

29. The CHAIRPERSON said it was her understanding that an anti-terrorism law had been enacted in 1992, which the authorities had promised to repeal rapidly, but that the law had been extended in 1996. She would like to know the impact of those legislative provisions on the rights of the child.

30. Mr. DEMBRI (Algeria) noted that Algeria had been among the first countries to sign the Convention, which reflected its commitment to the rights of the child, and that on acceding to independence, it had taken significant steps to secure education and health for children.

31. The law on terrorism and subversion certainly did affect children, since minors under 16 years of age who had committed crimes of bloodshed could be brought before the courts, but he pointed out that they were still able to plead the fact that they were minors. The problem raised by Mr. Kolosov with regard to the age of civil majority was a real one, and it did in fact appear necessary to revise the legislation in order to make it more consistent. On another matter, he said that 40 per cent of the State budget was allocated to education, and that the number of university students, which had risen from 300 in 1962 to 350,000 currently, was an example of the considerable progress made in that field.

32. Mr. Kolosov's remarks on Algeria's interpretative statements were well-founded; the Convention did indeed provide guarantees that met the concerns expressed in those statements. He was not aware of the reasons why the Algerian Government had made those statements, and he would transmit the Committee's concerns to his Government. The reason why Algeria had not acceded to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was that until quite recently it had been a country of emigration rather than immigration. The problem might arise in the future, however, for Algeria was currently hosting some 100,000 refugees from sub-Saharan countries, causing somewhat of a strain on the country, with which it was trying to cope with assistance from WFP, UNICEF and UNHCR.

33. Mrs. DJIDEL (Algeria), replying to the question on social security, said that sickness insurance applied not only to the working population, whether or not they were wage-earners, but also to disabled people, students, interns and apprentices. Social security also covered children taken in charge under the kafala on an equal basis with legitimate children, orphans who were wards of the State and children with no means of support, whom it had not been possible to reintegrate into their families and who were placed in special establishments. In addition, children who were particularly disadvantaged because of the country's economic situation received social assistance from the State budget, or, at the request of the town council or the wilaya, from the National Solidarity Fund, which provided a "social net" for socially vulnerable groups.

34. Mrs. HEMICI (Algeria) explained that the anti-terrorism law had been repealed and only a few of its provisions incorporated into the Code of Criminal Procedure, such as those relating to the custody deadline and the extension of police powers. In any event, a minor under 16 years of age who was involved in acts of terrorism would be tried according to ordinary law procedures, by a children's judge, and would enjoy all legal guarantees: the right to a defence, to be tried without undue delay, to the remedies provided by law, etc.

35. Mr. DEMBRI (Algeria) said he agreed that the high unemployment rate was a threat to the social fabric. Algeria was attempting to meet its population's social welfare needs through its own resources, but the current economic situation was a difficult one, resources were decreasing, agriculture had suffered from the drought and the redevelopment of the industrial sector was a large item of expenditure. The situation was unfavourable as far as employment of the soon-to-be 18 age group was concerned, but Algeria was doing

everything possible, in the framework of both international cooperation and partnership agreements, to enable such young people to enjoy the right to work and prevent them from turning to extremism.

36. Other dangers, such as HIV and AIDS, had been highlighted by the members of the Committee. Algeria was still fairly well protected as far as HIV and AIDS were concerned, and although he was not able to provide statistical data for the moment, he believed he could say that the incidence of AIDS was low. Prostitution was prohibited by law and those responsible were criminally prosecuted, but the social rehabilitation agencies also worked to eliminate prostitution. Another question had concerned gaps in the distribution of children's assistance funds between the cities and the countryside. The funds were intended for programmes at the local level, for the construction of day-care centres or kindergartens, for example, under the authority of the walis. A similar question had been raised about nutritional requirements. Nutritional requirements had been defined according to WHO standards, and through the school cafeterias the State saw to it that nutritional deficiencies, even in the most remote villages in the country, were remedied. He was not familiar with the document containing the statistics mentioned by Mr. Fulci on the nutritional differences between boys and girls.

37. Mrs. MBOI said that, although the Committee had been given sufficient information on the legislative provisions governing the status of children in Algeria, the same could not be said of the situation at the practical level. For example, although compulsory work, and work by children under 16 years of age, was clearly prohibited by the Penal Code, in view of the country's economic situation it might nevertheless be feared that the unstructured sector would employ children. Perhaps there had been studies on the problem, in which case statistics would be welcome. Similarly, the discrimination issue was resolved in the legislation, which prohibited discrimination on any grounds. She was not certain, however, that social and cultural practices did not perpetuate certain forms of discrimination, in particular between boys and girls.

38. Mr. RABAH asked whether, for a child to acquire Algerian nationality, it was sufficient to apply, in accordance with article 10 of the Algerian Nationality Code, or whether the child had to fulfil certain requirements. He would also like to know whether a child lost Algerian nationality when his parents did. Noting that Algeria covered a vast territory some parts of which had few administrative centres, he asked whether the delegation had statistics on the number of children who were not registered at birth. Lastly, he would like to know whether a child, on attaining majority, could terminate a contract concluded in his name prior to that time, if he found it to be contrary to his interests.

39. Mr. DEMBRI (Algeria) said that the prohibition of child labour was an unshakeable principle whose implementation was closely monitored by inspectors. To avoid the exploitation of children, the Algerian State had many years earlier enacted a law relating to apprenticeships, under which apprentices were provided with fellowships financed from the State budget and taken in charge by a well-structured system. In the informal sector, which contained families working in cottage industry and nomad families, children

might possibly participate in the group's activities and work as shepherds, for example, but he was not sure that could really be termed exploitation. He would provide exact figures at the following meeting.

40. He could see only one case of discrimination between boys and girls in everyday life, namely the inequality of the sexes as far as inheritance was concerned. That was a principle of Islam which experts in religious law would have to be asked to study more thoroughly in order to arrive at a non-discriminatory practice in that area.

41. Turning briefly to the question of nationality, he said that jus sanguinis was stronger than jus solis in Algeria, and that, for example, a foreigner born in Algeria could acquire Algerian nationality by providing proof of his integration into society. The Nationality Code contained an important aspect, protection of mothers and children, which was crucial to single-parent families. With regard to a child terminating a civil contract on attaining majority, he said that a child who considered his rights to have been violated was entitled to go to court and fully recover his rights on attaining his majority.

42. Mrs. HEMICI (Algeria) said that the conditions for acquiring Algerian nationality were set forth in article 10 of the Nationality Code and listed in paragraph 32 of the report. Nationality could be lost in three ways: voluntary acquisition of another nationality; authorization, by decree, to give up Algerian nationality; and repudiation of Algerian nationality under article 17 of the Nationality Code. Whatever the method, loss of nationality applied to an individual's minor children who were living with him.

43. Mr. DEMBRI (Algeria) said that births were occasionally not registered within the deadline, for example among the nomads. Such births were registered later on, for instance through the traditional chiefs, who acted as relay stations for the administration. Since nomads were found throughout the Sahelo-Saharan area, that procedure could cover births in foreign countries. With regard to the identification of the child, he said that, even on his deathbed, an Algerian could acknowledge parentage of a child, who then enjoyed all the rights deriving from his status.

The meeting rose at 6 p.m.